

#9

42543.3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dennis Ruben et al.

Serial No.: 09/466,282

Filed: December 17, 1999

Art Unit: 2121

For: Method of and System for Labeling Containers of Prescribed Medicine

Examiner: Steven Garland

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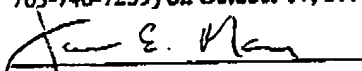
DIRECTOR OFFICE
TECHNOLOGY CENTER 2100Winston & Strawn
200 Park Avenue
New York, New York 10166
212-294-6700**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE
TO RECEIVE OFFICE ACTION**Commissioner of Patents and Trademarks
Washington, D.C. 20231

SIR:

Pursuant to 37 C.F.R. § 1.181, the undersigned hereby respectfully petitions the Commissioner to withdraw the holding of abandonment of the above-captioned application. In support of this petition, the undersigned states as follows:

Certificate of Transmission

I, James E. Marina, hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office (Fax. No. 703-746-7239) on October 17, 2002.


James E. Marina

1. On October 17, 2002, I received a voicemail message from Examiner Garland stating that the above-captioned application had become abandoned due to failure to respond to an office action mailed on March 13, 2002. This was confirmed in a subsequent telephone conversation with Examiner Garland.

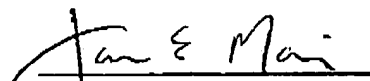
2. I never received the March 13, 2002 office action. The file jacket of the application does not contain a copy of the March 13, 2002 office action, and the docketing system used by my firm does not contain a reference to the March 13, 2002 office action.

3. In accordance with M.P.E.P. § 711.03(c)(II), attached hereto is a docket report excerpt for the application (please note that the application number and filing date on the report as printed refer to the corresponding PCT application) showing the first two office actions docketed for replies three months from receipt (April 30, 2001 and January 9, 2002, respectively). Had the March 13, 2002 office action been received, there would be a docket entry for reply on June 13, 2002. Because this document will become public record, docket entries not relevant to the instant petition have been redacted.

WHEREFORE, the undersigned respectfully requests that the holding of abandonment of the above-captioned application be withdrawn.

Dated: October 17, 2002

Respectfully submitted,


James E. Marina, Esq.
Reg. No. 41,969
Winston & Strawn
200 Park Avenue
New York, New York 10166
212-294-6700

Thursday, October 17, 2002

Due Date List By Date

Page: 1

From 12/17/1999 To 10/17/2002

Case Number	Country	Attorney(s)	Client	Status	Application No./Filing Date
42543.3	US	JM	RXPER	Pending	PCT/US00/34 15-Dec-2000

Title: Method of and system for labeling containers of prescribed medicine

Due Date	Action Due	Action Type	Indicator
15-Jan-2001			Reminder
15-Mar-2001			Reminder
29-Mar-2001			Reminder
05-Apr-2001			Due Date
26-Apr-2001			Reminder
30-Apr-2001	3 Mo. Response/Amendment Due	3 Mo. Office Action Received	Due Date
05-May-2001			Final
31-May-2001	1 Mo. Ext./Resp./Amendment Du	3 Mo. Office Action Received	Due Date
15-Jun-2001			Reminder
15-Jun-2001			Reminder
15-Jun-2001			Due Date
30-Jun-2001	2 Mo. Ext./Resp./Amendment Due	3 Mo. Office Action Received	Due Date
31-Jul-2001	3 Mo. Ext./Resp./Amendment Due	3 Mo. Office Action Received	Final
15-Aug-2001			Due Date
15-Sep-2001			Due Date
15-Oct-2001			Reminder
15-Oct-2001			Due Date
15-Nov-2001			Due Date
09-Dec-2001	1 Month to Due Date	US-3 Month Office Action	Reminder
15-Dec-2001			Final
15-Dec-2001			Final
09-Jan-2002	3 Month Due Date	US-3 Month Office Action	Due Date
05-Feb-2002	1st Extension	US-3 Month Office Action	Reminder
09-Mar-2002	2nd Extension	US-3 Month Office Action	Reminder
24-Mar-2002	2 Weeks to Final Date	US-3 Month Office Action	Due Date
02-Apr-2002	1 Week to Final Date	US-3 Month Office Action	Reminder
09-Apr-2002	6 Month Final	US-3 Month Office Action	Final
15-Jun-2002	Application Status Check	Application Status Check	Due Date

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FROM: James E. Marina
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DATE: 10/17/2002

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	RECIPIENT	COMPANY	FAX NO.	PHONE NO.
1.	Examiner Garland	United States Patent and Trademark Office	703-746-7239	

Total number of pages including this page: 4

COMMENTS

Attached for filing is the following, which consists of 3 pages:

Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action

Serial No.: 09/466,282

Applicant: Dennis Ruben et al.

Art Unit: 2121

Title: Method of and System for Labeling Containers of Prescribed Medicine

Examiner: Steven Garland

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Confirmation: Yes _____ Name: _____ No: _____